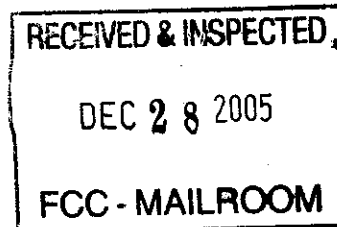


Petition for Exemption from Closed Captioning Requirements

The Daniels Group of Companies
10508 Seven Mile Road
Caledonia, WI 53108

CCB-CC-0043



Introduction

Caveman Productions, a division of The Daniels Group of Companies, produces three local home builders shows in southeastern Wisconsin. The three shows combine for a total of two hours of programming that airs once per week. We sell the time directly to builders and we produce commercials and interview segments that vary in length from 2 minutes to 4 minutes. All production is done in-house as we have three edit suites to meet the demand of 3 shows. Producing our three weekly television shows are the result of months of producing. Our staff of 4 individuals write, direct and edit 2 hours of programming per week. Caveman Productions petitions for exemption from closed captioning requirements on the basis of undue burden under Section 79.1 (f)(1-3).

Compliance By January 2006 Deadline

Caveman Productions was first made aware of the FCC's closed captioning requirements on November 10, 2005 (see enclosed email). In the five weeks following, Caveman Productions has tirelessly researched how to immediately add closed captioning to our workflow. Outsourcing the captioning, purchasing software, purchasing hardware, adding transcribing copy to our workflow, petitioning the FCC, making sure new software is compatible with our proposed upgrades, notifying clients, have all been studied in great detail. With our current workload, size of staff, and impending deadlines, Caveman Productions will fail to meet the deadline of January 1, 2006, despite our efforts and intentions.

We feel very strongly that our distributors (WITI FOX6 in Milwaukee and WMSN FOX47 in Madison) should have notified us with a minimum of 120 days to meet this FCC requirement. As distributors, they carry the licenses with the FCC and are therefore liable for passing down any FCC laws, regulations or requirements that their program suppliers such as Caveman Productions are otherwise not privy to. Caveman Productions feels that our distributors failed in this regard, causing undue burden. Our distributors clearly did not give Caveman Productions a reasonable time frame to comply with the closed captioning deadline and it is due to this that Caveman will not be compliant by January 1, 2006. Thirty-four business days (11/10/05-01/01/06) to comply with the closed caption deadline is an undue burden to Caveman Productions and we respectfully petition for a partial exemption of 90 days past the January 1, 2006 deadline to comply.

Cost and Compatibility of Closed Captioning

Despite an unreasonable time frame to comply, Caveman Productions has worked hard to meet the FCC's deadline. Cost is always an issue in our business and our decision to invest in software and hardware instead of outsourcing the closed captioning work was a decision based on three weeks of intense research and testing. Please understand that any hasty decision regarding software could financially harm a company if the decision was the wrong one. That is why we talked to several experts and tested demonstration software. Outsourcing the closed captioning was ruled out due to much higher costs and an unworkable turnaround time. In short, we took immediate action once we were informed of the closed captioning rules and haven't stopped trying to comply since.

Cost for the Closed Caption software alone (Mac Caption) is estimated at \$10,000. More costly is the time for us to transcribe and encode three weekly shows (2 hours of programming each week). Transcription of dialog from video and encoding it with closed captions will add another layer to our already busy workflow causing a dramatic shift our deadlines and turnaround time. We estimate this addition to our workflow to cost \$32,000 annually in man hours. We are already one quarter into our fiscal year and these unforeseen costs will use up all funds allocated for upgrades in for the entire year. Needless to say, this matter has not been taken lightly and time was needed to ascertain how our closed captioning costs would be paid for.

Conclusion

Caveman Productions is dedicated to giving greater access to the hearing impaired and to become compliant with closed caption requirements. We have acted in good faith to solve this problem and would have met the FCC's deadline had our distributors not been negligent in informing Caveman at such a late date of the FCC closed captioning requirement and deadline. Thirty-four business days (11/10/05-01/01/06) to comply with the closed caption deadline is an undue burden to Caveman Productions and we respectfully petition for a partial exemption under Section 79.1 (f)(1-3). We request an additional 90 days past the deadline to transcribe copy, encode copy, purchase and train with MacCaption software and purchase hardware.

General Affidavit

State of Wisconsin
County of Racine

Before me, the undersigned notary

Matthew J Williamson, on this 27th
day of December, 2005, personally appeared Matthew Williamson, known to me to be a credible
person and of lawful age, who being by me first duly sworn, on this oath, attests to and affirms the
above facts.

Matthew Williamson
Matthew Williamson
10508 Seven Mile Road
Caledonia, WI 53108

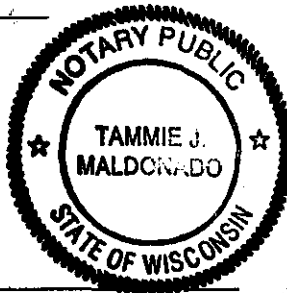
Subscribed and sworn to before me, this 27 day of December 2005

Tammie J. Maldonado
[signature of Notary]
TAMMIE J. MALDONADO
Notary Public Milwaukee County, WI
My Commission Expires 9-2-2007

[printed name of Notary]

NOTARY PUBLIC

My commission expires: _____



From: Mary Jensen <mjensen@wmsn.sbgnet.com>
To: Joe Lanza <joe.lanza@eurorscg.com>, Diane Gillespie <dgillespie@hawthornedirect.com>, Helen Lee <HLee@MercuryMedia.com>, <michelles@smcorp.com>, Angela Vaughn <Angela@c-music.com>, CINDY MELTESEN <marketing4goodfeet@yahoo.com>, Aysa Sedler <asyas@ronco.com>, Bev <bev@CesariDirect.com>, Jill Albert <mediaconsults@aol.com>, Julie Cabana <julie@longformmedia.com>, Keith Albert <Keith@newdaymarketing.com>, <jamlem@cmedia.tv>, <betsyl@lighthousemedia.net>, <carrie.mastalir@russdarrow.com>, Meredith Hosking <mhosking@amsdirect.com>, <jjohnson@lwwest.com>, <mattf@axismktg.com>, <mcoast@tvinfoomercial.com>, <priscilla.policar@pinnaclemarketing.net>, <rdelaney@zephyr-media.com>, <mwilliamson@thedanielsgroupinc.com>
Cc: Joel Helzer <jhelzer@wmsn.sbgnet.com>
Date: Thursday, November 10, 2005 4:37 PM
Subject: New FCC regulations

As you all probably know, the FCC requires that as of the first of next year all programming broadcast must be close captioned. I am just sending out this e-mail to make sure that your programs will comply with the new regulations if they don't already. Please let me know as soon as you can if you are in compliance.
Thanks for your help!

--
Mary K. Jensen
National Sales Assistant/
Paid program Coordinator
WMSN FOX 47 Madison, WI
Phone: (608) 662-5030
Fax: (608) 833-0665
e-mail: mjensen@wmsn.sbgnet.com

From: Debra Wieck <dwiec240@FOXTV.COM>
To: <mwilliamson@thedanielsgroupinc.com>
Date: Friday, November 11, 2005 3:13 PM
Subject: Re: Closed Caption

I'll let you know as soon as I hear something.

>>> Matt Williamson <mwilliamson@thedanielsgroupinc.com> 11/11/05
01:19PM >>>
Correct. Neither are closed captioned.

Thanks Debra,

Matt Williamson

on 11/11/05 12:36 PM, Debra Wieck at dwiec240@FOXTV.COM wrote:

> Mike has a call into our Community Affairs Director regarding the
FCC
> Closed Captioning regulations. Can I assume Builders Showcase and
> Westridge Lifestyles are not closed captioned?
>

From: Mike Neale <MNEAL398@FOXTV.COM>
To: <mwilliamson@thedanielsgroupinc.com>
Cc: Debra Wieck <dwiec240@FOXTV.COM>
Date: Thursday, December 1, 2005 9:26 AM
Subject: Fwd: closed captioning providers of interest to our clients.

Hi Matt,

Attached are some close caption equipment companies and services. I'm expecting a couple more names shortly. Please call with any questions.

Mike Neale
General Sales Manager
mneal398@foxtv.com
WITI FOX 6
PH: (414) 586-2250
FX: (414) 357-8930

From: "John Workman" <JWORK399@FOXTV.COM>
Date: Wed, 30 Nov 2005 11:55:41 -0800
To: "Kelly Skindzelewski" <Kskin707@FOXTV.COM>, "Mike Neale" <MNEAL398@FOXTV.COM>
Subject: closed captioning providers of interest to our clients.

Closed caption service provider:
<http://www.captioncolorado.com>

I'll look up others but this one is most well known, there are about 4 or 5 others that can provide captioning services as well.

Here are 3 closed caption equipment manufacturers if someone wants to do their own captioning:

Some of these *MAY provide caption services or can direct you to companies that provide service.

*CaptionMax
530 N 3rd St
Minneapolis, MN 55401
USA
Toll-Free: 800-822-3566
Fax: 612-341-2345

*Computer Prompting & Captioning - CPC
1010 Rockville Pike, Ste 306
Rockville, MD 20853
USA
Toll-Free: 800-977-6678
Phone: 301-738-8487
Fax: 301-738-8488

Norpak
10 Hearst Way
Kanata, ON K2L 2P4
Canada
Phone: 613-592-4164
Fax: 613-592-6560

From: Matt Williamson <mwilliamson@thedanielsgroupinc.com>
To: Mary Jensen <mjensen@wmsn.sbgnet.com>
Date: Monday, December 12, 2005 3:22 PM
Subject: Re: New FCC regulations

Hi Mary,

We have been working to comply with the FCC regarding Closed Captioning. We are having some software issues in this regard and wanted to know how FOX47 is aiding their clients to become compliant. At this stage, it is not likely that we'll be compliant by 1/1/6 and we've filed a petition with the FCC to address this.

When can we see numbers to see how Builders Showcase is doing. You mentioned in your last email the November's numbers would be better to look at than July's....when can we expect them?

Matt Williamson
Vice President of Business Affairs & Operations
The Daniels Group of Companies, Inc
262-835-6774

on 11/10/05 4:37 PM, Mary Jensen at mjensen@wmsn.sbgnet.com wrote:

> As you all probably know, the FCC requires that as of the first of next
> year all programming broadcast must be close captioned. I am just
> sending out this e-mail to make sure that your programs will comply with
> the new regulations if they don't already. Please let me know as soon as
> you can if you are in compliance.
> Thanks for your help!

From: Mary Jensen <mjensen@wmsn.sbgnet.com>
To: Matt Williamson <mwilliamson@thedanielsgroupinc.com>
Date: Thursday, December 15, 2005 8:18 AM
Subject: Re: New FCC regulations

I am sorry I did not get back to you sooner. I checked into your question about compliance with the new FCC regulations and we do not have this issue with any of our dozens of paid clients. As far as I can determine there is nothing we can do to help because we are not set up to help paid clients in this regard. I have checked into your questions about ratings for your program and as I have explained before this is a diary market and ratings are far less accurate than Milwaukee which is an overnight metered market. You are showing up in household ratings with a .2 in I believe the July book. That is good news because it indicates that your true viewership could be even higher! We won't get November in until sometime next week. I hope this helps!

Matt Williamson wrote:

> Hi Mary,
>
> We have been working to comply with the FCC regarding Closed Captioning. We
> are having some software issues in this regard and wanted to know how FOX47
> is aiding their clients to become compliant. At this stage, it is not
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> Matt Williamson
> Vice President of Business Affairs & Operations
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> on 11/10/05 4:37 PM, Mary Jensen at mjensen@wmsn.sbgnet.com wrote:
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>>As you all probably know, the FCC requires that as of the first of next
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>>you can if you are in compliance.
>>Thanks for your help!

--
Mary K. Jensen
National Sales Assistant/
Paid program Coordinator
WMSN FOX 47 Madison, WI
Phone: (608) 662-5030

Wed, Dec 21, 2005 4:59 PM

Fax: (608) 833-0665
e-mail: mjensen@wmsn.sbgnet.com

Mr. Williamson:

This email is regarding your letter requesting a 90 day extension of the implementation date for the closed captioning rules.

Please note that this email does not constitute a grant of your request. We cannot grant such extension requests. However, it is possible that you will qualify for an exemption from the rules based on the undue burden standard contained in Section 79.1(f) of the rules. We suggest that you review the information on the attached webpages for more information on the request for exemption based on the undue burden. If you do not have a petition on file prior to January 1, or you are not exempt pursuant to one of the self-implementing exemptions to the rules, you are expected to be in compliance with the closed captioning rules.

Please contact me if you have questions, but please bear in mind that calling me is not the equivalent of filing an exemption request.

If your programming does not meet one of the self-implementing exemptions in the rule, found at Section 79.1(d), the only process to seek an exemption is the undue burden process, found at Section 79.1(f). That process is described in detail at the following link.

http://www.fcc.gov/cgb/dro/caption_exemptions.html

As you can see from the rule, section 79.1(f)(11) states that, during the pendency of an undue burden petition, the programming that is the subject of the petition is exempt from the closed captioning rules.

I suggest you take a look at the following links for some useful information on closed captioning. The 1997 FCC Report & Order established the closed captioning rules, which Congress mandated in 1996, and in the 1998 Reconsideration Order, the FCC reconsidered some aspects of the rules it adopted in the 1997 Report & Order.

Those Orders are found at:

<http://www.fcc.gov/Bureaus/Cable/Orders/1997/fcc97279.txt>

http://www.fcc.gov/Bureaus/Mass_Media/Orders/1998/fcc98236.pdf

Discussion about the undue burden petition standard and process is found in paragraphs 182-205 of the 1997 R&O (first link), and paragraphs 108-112 of the 1998 Reconsideration Order.

Hopefully the information contained at these links will be helpful.

http://www.fcc.gov/cgb/dro/captioning_regs.html

<http://www.fcc.gov/cgb/consumerfacts/closedcaption.html>

<http://www.fcc.gov/cgb/dro/caption.html>

I encourage you to share this information with any of your colleagues in the video programming production or distribution chain.

Amelia Brown
Disability Rights Office
Consumer & Governmental Affairs Bureau
Federal Communications Commission

[Add Emotion Icons to your Emails](#)



[Click Here](#)

Record of correspondence with Caveman's distributors [FOX6 & FOX 47] regarding FCC closed captioning requirements and deadlines.

01. 11/10/05 First notification of FCC regulation and deadline [from FOX47].
02. 11/11/05 Caveman requests clarification from our local station [FOX6] on FCC regulations and deadlines.
03. 11/30/05 First response from FOX6 which doesn't clarify any FCC regulations and deadlines but simply provides a list of companies we can outsource closed captioning to.
04. 12/01/05 Phone call with Mike Neale, FOX6 General Sales Manager, to discuss our problems with implementing closed caption software and if it would be compatible with FOX6 system.
05. 12/06/05 Phone call with FOX6 online editor Charles Wise to discuss how FOX6 encodes closed captioning in its programming. We were referred to an engineer.
06. 12/12/05 Caveman requests input from FOX47 as to how other FOX clients are dealing with the FCC compliance deadline. Informs FOX47 of difficulty implementing software and requests assistance.
07. 12/15/05 First petition for exemption to FCC
08. 12/15/05 FOX47 responds that "there is nothing they can do to help paid clients in this regard."
09. 12/20/05 Petition denied by FCC....FCC suggests re-petition as undue burden.

Home

Software Overview

Software Features

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How it Works?

Hardware
Requirements

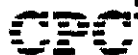
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800-977-6678
info@cpcweb.com
www.cpcweb.com

MACCAPTION™

CCAPTION™

Prices

CCaption

After you create a time stamped file using a caption preparation software like CPC's CaptionMaker. CCaption can be used to insert captions directly onto a video on the hard drive without using a closed caption encoder hardware and without going down a generation.

MacCaption Lite

MacCaption Lite series is a replacement of CCaption series and more. Like CCaption series, MacCaption Lite does not have script preparation capabilities. They have the same look and feel of MacCaption series and runs on OS X.

MacCaption

MacCaption can import text, automatically format the text into basic captions, and let you do caption formatting, positioning and timing - all in one package. MacCaption includes all the functionalities of CCaption and more.

- Click here for feature comparison
- Click here for MacCaption screenshot
- Click here for MacCaption Help

Printer-Friendly
MacCaption
Brochure

Caption Preparation & Encoding Software

MacCaption

MacCaption-DV for Macintosh OS X - **\$4,995**

MacCaption-NLE/MPEG for Macintosh OS X - **\$5,995**

MacCaption-NLE/MPEG/Sub for Macintosh OS X - **\$6,995**

MacCaption Lite

MacCaption Lite-DV for Macintosh OS X - **\$1,995**

MacCaption Lite-NLE/MPEG for Macintosh OS X - **\$2,995**

MacCaption Lite-NLE/MPEG/Sub for Macintosh OS X - **\$3,995**

Upgrade to MacCaption from CCaption-DV to

MacCaption Lite-DV for Macintosh OS X - **\$995**

MacCaption Lite-NLE/MPEG for Macintosh OS X - **\$1,995**

MacCaption Lite-NLE/MPEG/Sub for Macintosh OS X - **\$2,995**

from CCaption-NLE to

MacCaption Lite-NLE/MPEG for Macintosh OS X - **\$995**

MacCaption Lite-NLE/MPEG/Sub for Macintosh OS X - **\$1,995**

Upgrade to MacCaption from CCaption-DV to

MacCaption-DV for Macintosh OS X - **\$3,995**

MacCaption-NLE/MPEG for Macintosh OS X - ~~\$4,995~~

MacCaption-NLE/MPEG/Sub for Macintosh OS X - **\$5,995**

QUANTITY NEEDED:
2

from CCaption-NLE to

MacCaption-NLE/MPEG for Macintosh OS X - **\$3,995**

MacCaption-NLE/MPEG/Sub for Macintosh OS X - **\$4,995**

Caption Encoding Software

CCaption

CCaption-DV V5.1 for Macintosh OS 9 and Windows - **\$995**
CCaption-NLE V5.1 for Macintosh OS 9 and Windows - **\$1,995**

Contact

CPC Computer Prompting & Captioning Co.

1010 Rockville Pike, Suite 306
Rockville, MD 20852, USA

E-mail: info@cpcweb.com

Phone: 301-738-8487

Fax: 301-738-8488

TTY: 301-738-8489

Toll Free: 800-977-6678

Petition for Exemption from Closed Captioning Requirements

The Daniels Group of Companies
10508 Seven Mile Road
Caledonia, WI 53108

RECEIVED & INSPECTED

DEC 19 2005

FCC - MAILROOM

Introduction

Caveman Productions, a division of The Daniels Group of Companies, produces three local home builders shows in southeastern Wisconsin. The three shows combine for a total of two hours of programming that air once per week. We sell the time directly to builders and we produce commercials and interview segments that vary in length from 2 minutes to 4 minutes. All production is done in-house as we have three edit suites to meet the demand of 3 shows.

We intend to comply with FCC rules as soon as possible, however, we only first became aware of the FCC Closed Caption regulations on November 11, 2005. Had Fox47 in Madison not notified us of these regulations, I don't know how we would have found out. Fox6 in Milwaukee, a much larger market, was very slow to respond to our requests of compliance which led us to deal directly with the FCC by phone. The past three weeks have been spent trying to comply by the FCC's deadline, but we simply need more time to make this transition. We are requesting an extension to the January 1, 2006 deadline by 90 days so that we can become hardware and software compatible with our MacIntosh Final Cut Pro systems, confirm compatibility with the stations we are broadcasting with, add dialog transcription as a new layer to our workflow, and notify clients about changes in turnaround time.

Cost of Closed Captioning

Having had a couple weeks to investigate Closed Caption compatibility, we have chosen to invest in software, hardware and personnel to become Closed Caption compliant. Choosing this route is more cost effective and timesaving than outsourcing the captioning and encoding work. However, upgrading our current systems cannot be done hastily and we have to ensure our investment in the Closed Caption technology will be compatible with all the current upgrades for the MacIntosh editing platform as well as Final Cut Pro software and video capture cards. Cost for the Closed Caption software alone is estimated at \$5,700. More costly is the time for us to transcribe and encode three entire shows (2 hours of programming). Transcribing dialog from video and encoding it with Closed Captioning will add another layer to our already busy workflow causing a dramatic shift in our deadlines and turnaround time.

Conclusion

Caveman Productions is dedicated to giving greater access to the hearing impaired and to become compliant with Closed Caption requirements. To meet FCC requirements, Caveman Productions respectfully petitions for an extension by 90 days past January 1, 2006. This will allow us the time to upgrade three edit suites, transcribe all pertinent dialog, and encode the Closed Captioning for each show at each television station that broadcasts our shows.

General Affidavit

State of Wisconsin
County of Racine

Before me, the undersigned notary

MATTHEW WILLIAMSON, on this 16th
day of December, 2005, personally appeared Matthew Williamson, known to me to be a credible
person and of lawful age, who being by me first duly sworn, on this oath, attests to and affirms the
above facts.

Matthew Williamson
Matthew Williamson
10508 Seven Mile Road
Caledonia, WI 53108

Subscribed and sworn to before me, this 16 day of December 2005

Julie Fries
[signature of Notary]

Julie Fries
[typed name of Notary]

NOTARY PUBLIC

My commission expires: 11/12/06

From: Mary Jensen <mjensen@wmsn.sbgnet.com>
To: Joe Lanza <joe.anza@eurorscg.com>, Diane Gillespie <dgillespie@hawthornedirect.com>, Helen Lee <HLee@MercuryMedia.com>, <michelles@smcorp.com>, Angela Vaughn <Angela@c-music.com>, CINDY MELTESSEN <marketing4goodfeet@yahoo.com>, Aysa Sedler <asyas@ronco.com>, Bev <bev@CesariDirect.com>, Jill Albert <mediaconsults@aol.com>, Julie Cabana <julie@longformmedia.com>, Keith Albert <Keith@newdaymarketing.com>, <jamiem@cmedia.tv>, <betsyl@lighthousemedia.net>, <carrie.mastalir@russdarrow.com>, Meredith Hosking <mhosking@amsdirect.com>, <jjohnson@lwwest.com>, <mattf@axismktg.com>, <mcoast@tvinfomercial.com>, <priscilla.policar@pinnaclemarketing.net>, <rdelaney@zephyr-media.com>, <mwilliamson@thedanielsgroupinc.com>
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Mary K. Jensen
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